



February 20, 2002

William F. Caton, Acting Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, SW
Washington, DC 20554

Re: **Ex Parte Notice:** CC Docket Nos. 96-115 and 96-149

Dear Mr. Caton:

On February 19, 2002, John Veilleux, Lisa Roscoe and I from WorldCom, Inc. met with Marcy Greene and William Dever of the Commission's Common Carrier Bureau regarding the Commission's Second Further Notice of Proposed Rulemaking (Notice) and WorldCom's (then MCI WorldCom's) Petition for Further Reconsideration currently pending in the above-referenced dockets.

In its Notice, the Commission sought comment on modifications to the notification requirements as outlined in section 64.2007 of the Commission's rules.¹ We emphasized the need for the Commission to recognize that some of the customer notification requirements outlined in paragraph (f) of section 64.2007 do not apply in certain situations. For example, when a CLEC is soliciting consent to use CPNI in another carrier's customer service record (CSR) for the purpose of placing a local service order, the CLEC may only want consent for access to very limited information, and only for the duration of the call. As such, a number of the long-term consent disclosures do not, and should not apply. It is also important that the Commission ensure that an ILEC not attempt to use a denial of consent to the ILEC under an opt-out approach as a reason to dishonor the subsequent oral consent a customer provides a CLEC for access to certain CSR information.²

In addition, we briefly discussed the treatment of bundled products under the CPNI rules and also restated our position that customer preferred carrier freeze status should not be subject

¹ See Notice, para. 23. It is WorldCom's position that the United States Court of Appeals for the Tenth Circuit Court vacated all of the Commission's CPNI rules.

² The Commission has found that ILECs must provide competing LECs access to their OSS for the purpose of accessing "unique information about the customer's service," such as customer service record information, because "... a competitor's ability to provide service is materially diminished without access to that information." *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order, FCC 99-238, CC Docket No. 98-96, paras. 434-5 (1999).

to the CPNI regulations since a preferred carrier freeze offering is not a telecommunications service.³

A copy of this notice has been filed electronically in the above-referenced dockets. If you have any questions, please contact me at (202) 736-6489.

Sincerely,

Karen T. Reidy
/s/
Associate Counsel
Federal Advocacy
202-736-6489

cc: William Dever
Mary Greene

³ “Telecommunications Service” is “the offering of *telecommunications* for a fee . . . “ 47 U.S.C 153(46)(emphasis added). “Telecommunications” is “the *transmission*, between or among points specified by the user, of information of the user’s choosing, without change in the form of content of the information as sent and received.” 47 U.S.C. 153(43)(emphasis added).